



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
1000 NAVY PENTAGON  
WASHINGTON, DC 20350-1000

SECNAVINST 1120.3D  
N131L  
29 MAY 2003

SECNAV INSTRUCTION 1120.3D

From: Secretary of the Navy  
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: PROCUREMENT AND APPOINTMENT OF LIMITED DUTY OFFICERS (LDOs) AND CHIEF WARRANT OFFICERS (CWOs) FOR ACTIVE DUTY IN THE REGULAR NAVY

Encl: (1) Regulations to Govern the Procurement and Temporary Appointment of LDOs for Active Duty in the Regular Navy under 10 U.S. Code § 5596  
(2) Regulations to Govern the Permanent Appointment of LDOs under 10 U.S. Code § 5589  
(3) Regulations to Govern the Procurement and Permanent Appointment of CWOs for Active Duty in the Regular Navy under 10 U.S. Code § 571

1. Purpose. To revise regulations governing the procurement and appointment of LDOs and CWOs for active duty in the Regular Navy. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1120.3C.

3. Policy. The LDO Program provides technically oriented commissioned officers to perform duties requiring the authority, responsibility and managerial skills of commissioned officers, but limited to broad enlisted occupational fields outside the normal development pattern of the unrestricted line, the restricted line or staff corps competitive categories. The CWO Program provides technically oriented commissioned officers to perform duties requiring technical competence in specific enlisted occupational fields and the authority and responsibility greater than that required of chief petty officers.

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a. The Active-Duty LDO Program provides an opportunity for selected CWOs and senior enlisted personnel to receive appointments as commissioned officers designated for limited duty in the broad occupational field indicated by their former warrant designator or enlisted rating group.

b. The Active-Duty CWO Program provides an opportunity for selected enlisted personnel to receive appointments as commissioned CWOs for performance of duties in the technical field indicated by their former enlisted rating group.

c. To assist the Navy in attaining the permanent regular career force in the grade commander and above, temporary LDOs serving on the list of the Navy shall be tendered permanent Regular LDO - on the active-duty appointments subsequent to their promotion to the grade of lieutenant.

4. Action. The Chief of Naval Operations is assigned responsibility for implementing enclosures (1) through (3).

5. Reports. The reports contained in this instruction are exempt from reports controlled by SECNAVINST 5214.2B.

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Acting

Distribution:  
SNDL Parts 1 and 2

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REGULATIONS TO GOVERN THE PROCUREMENT AND TEMPORARY APPOINTMENT  
OF LIMITED DUTY OFFICERS (LDOs) FOR ACTIVE-DUTY IN THE REGULAR  
NAVY UNDER 10 U.S. CODE § 5596

1. Purpose. To reissue regulations governing the procurement and temporary appointment of LDOs for active-duty in the Regular Navy under 10 U.S.C. § 5596.

2. Definitions. The following definitions, unless otherwise qualified, shall apply throughout this enclosure:

a. Limited Duty Officer - An officer designated for limited duty in a line or staff specialty as indicated by his or her designator.

b. In-Service Procurement Selection Board - A board of commissioned officers convened under the authority of 10 U.S.C. § 5596 and this enclosure to recommend applicants for appointment as LDOs in the Regular Navy.

c. Active-Duty - Full time duty in the active naval service (including Marine Corps and Coast Guard when operating as a service in the Navy) other than Annual Training (AT).

3. Eligibility Requirements. To be eligible to apply for the Active-Duty LDO Program, and subsequent temporary appointment as an LDO in the Regular Navy, applicants must meet the following requirements:

a. Be a citizen of the United States.

b. Be serving on active-duty in the Regular Navy or Naval Reserve (including Naval Reservists in the Training and Administration of Reserves (TAR)) at the time of application and, if selected, remain on active-duty until the appointment is tendered.

c. Reserve canvasser recruiters, members on Active-Duty for Special Work/One Year Recall (ADSW/OYR) (formerly TEMAC), and Reservists on Annual Training (AT) (formerly ACDUTRA) are not eligible to apply for the Active-Duty LDO Program but are eligible for the Inactive-Duty LDO Program.

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d. Be a high school graduate or possess the service-accepted equivalent as prescribed by existing directives.

e. Have no record of conviction by a general, special or summary court-martial, no record of non-judicial punishment, nor conviction by a civilian court for any offense other than minor traffic violations for the three-year period immediately preceding October 1 of the year application is made.

f. Meet the requisite physical standards for appointment as an LDO prescribed by the Manual of the Medical Department, Chapter 15. Selectees who fail to meet the minimum physical standards for appointment may be appointed upon the recommendation of the Chief, Bureau of Medicine and Surgery and waiver of the standard(s) by the Deputy Chief of Naval Personnel (DEPCHNAVPERS) acting for the Chief of Naval Personnel (CHNAVPERS).

g. Be of good moral character and of unquestioned loyalty to the United States.

h. Under the policy prescribed in SECNAVINST 5300.28C, no person who is drug or alcohol dependent, who presently abuses drugs or alcohol, whose pre-service abuse of drugs or alcohol indicates a proclivity to continue abuse in the service, or who has a record of any trafficking offenses, shall be appointed as an LDO.

i. Be favorably recommended for appointment by the candidate's commanding officer.

4. CWO Eligibility. In addition to the requirements specified in paragraph 3, CWO applicants for the Active-Duty LDO Program must meet the following requirements:

a. Be serving on active-duty as a CWO.

b. Have completed at least three years of active-duty as a CWO and no more than 19 years of total active service immediately preceding October 1 of the year application is made. Such service shall be computed from initial date of rank as a CWO and active-duty base date.

c. Before being appointed as an LDO, any CWO applicant serving on active-duty in the Naval Reserve who is selected for appointment as an LDO under this instruction shall be reappointed in the Regular Navy. If such CWO applicant holds a permanent CWO grade in the Naval Reserve, the applicant must accept permanent appointment in the Regular Navy as LDO in the grade of O2E.

5. Enlisted Eligibility. In addition to the requirements specified in paragraph 3, enlisted applicants for the Active-Duty LDO Program must also meet the following requirements:

a. Be serving on active-duty as an E6, E7 or E8. An E6 must have served in that capacity for at least one year immediately preceding October 1 of the year application is made. Such service shall be computed from the time-in-rate date for advancement to petty officer first class.

b. Have completed at least eight but not more than 16 years of active-duty immediately preceding October 1 of the year application is made. For purposes of this paragraph, the term "active-duty" may include full-time duty in the active military service in the Army, Air Force, Marine Corps, or Coast Guard (when not operating as part of the Navy) in a critical skill needed by the Navy, as determined by DEPCHNAVPERS, acting for CHNAVPERS.

c. Personnel accepted to the LDO program must attend leadership training via the LDO/CWO Officer Indoctrination School. Therefore, Leadership Training Continuum is not required for an E6 taking the E7 exam for the express purpose of applying for LDO.

d. TARs and naval reservists serving on active-duty who are selected for temporary appointment as LDOs under this instruction shall be honorably discharged from their enlistment in the Naval Reserve and concurrently reenlisted in the Regular Navy before being appointed as LDOs.

6. Application. The DEPCHNAVPERS, acting for CHNAVPERS, will publish application procedures. Eligible candidates desiring an

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LDO commission must submit a written application following those procedures.

a. Candidates eligible for both programs may be considered in the same fiscal year for both the Active-Duty LDO Program and the Active-Duty CWO Program.

b. The designator(s) for which application is made shall be listed in the order of preference. A candidate may apply for appointment in not more than two designators for which they are qualified. Candidates requesting consideration for both the LDO and CWO Program may apply for only one designator under each program.

c. All applications must include a statement agreeing to further service, as follows:

For the active-duty CWO applying for appointment to LDO, the following statement shall be included as the first paragraph in the Applicant's Personal Statement:

"I, (name), if selected for permanent appointment as an LDO under section 10 U.S.C. § 5589 and the Active-Duty LDO Program, do agree to remain on active-duty for a period of four-years subsequent to acceptance of such appointment. If I decline permanent appointment, I will remain in my permanent Chief Warrant Officer grade."

For active-duty enlisted applying for appointment to LDO, the following statement shall be included as the first paragraph in the Applicant's Personal Statement:

"I, (name), if selected for appointment under the Active-Duty LDO Program, do agree to remain on active-duty for a period of four-years subsequent to acceptance of such appointment. Following my acceptance of such temporary appointment as an LDO, I understand that if and when I am promoted to the grade of lieutenant as an LDO, I may be offered a permanent appointment as an LDO under 10 U.S.C. § 5589 and if I decline to accept such permanent appointment as an LDO, my temporary appointment will be terminated under Section 10 U.S.C. § 5596 and I will be reverted to my permanent enlisted grade."

7. Limited Duty Officer Designators

<u>SURFACE</u>	<u>SUBMARINE</u>	<u>AVIATION</u>
611X Deck	621X Deck	631X Deck
612X Operations		632X Operations
613X Engineering/ Repair	623X Engineering/ Repair	633X Maintenance
615X Special Warfare		
616X Ordnance	626X Ordnance	636X Ordnance
618X Electronics	628X Electronics	638X Electronics
619X Communications	629X Communications	639X Air Traffic Control

GENERAL SERIES

STAFF

640X Nuclear Power	651X Supply
641X Administration	653X Civil Engineer
642X Data Processing	655X Law
643X Bandmaster	
644X Cryptology	
645X Intelligence	
646X Meteorology/Oceanography	
647X Photography	
648X Explosive Ordnance	
649X Security	

8. Boards to Recommend Applicants for Temporary Appointments as LDOs.

a. Appointment as an LDO shall be made only upon approval of a report submitted by a board of officers appointed by CHNAVPERS to recommend eligible personnel for such appointments unless the requirement for a board is specifically waived by CHNAVPERS under paragraph 14 of this enclosure.

b. In-service procurement selection boards shall be convened by precept addressed to the president of the board and signed by CHNAVPERS. The precept will include instructions governing the conduct of the board and will appoint the president and members

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of the board. The president of the board will serve as a member of the board.

c. The president of the in-service procurement selection board shall be an active-duty list captain. The board shall consist of Regular Navy officers serving in the grade of lieutenant or above in sufficient numbers and designators to allow the following requirements and procedures to be met: normally, at least one officer from each LDO designator for which there are applicants and 50 percent of the membership of the board should be composed of unrestricted line officers with extensive and broad naval experience.

d. The president of the board may establish internal panels of board members for the purpose of considering applicants for specific designators or groups of designators. In cases where the board president establishes panels, each panel shall consist of not less than the board president, a member with expertise in the technical field being considered and sufficient officers from communities other than LDO to comprise a minimum of 50 percent of the panel membership. If the board, or a panel, is considering an applicant who is a Reservist, a Reserve officer shall be a member of the board and panel as appropriate. The CHNAVPERS may modify the membership of the board as may be necessary to provide sufficient active-duty list officers in the line and various staff corps as will enable the president of the board to establish internal panels.

e. Each member of the board shall swear, or affirm, that he or she will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him or her.

f. Each board may recommend for appointment as an LDO eligible personnel in numbers not in excess of the numbers furnished by CHNAVPERS. The board, however, is not obligated to select to the numbers provided.

g. Each board shall consider eligible candidates for appointment in the designator(s) that the candidates have requested. If a candidate requests consideration in more than one designator, the board may recommend the individual for appointment only in the designator for which best qualified.



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9. Board Reports. Each board will submit one or more written reports signed by all acting members and recorders. Each report shall certify that, in the opinion of at least a majority of the members acting in a given case, the candidates recommended therein are qualified for appointment as LDOs and are the best qualified for appointment in the designators for which recommended of all candidates under consideration. Each report shall be submitted via DEPCHNAVPERs to CHNAVPERs for approval or disapproval, in whole or in part.

10. Disclosure of Board Proceedings and Recommendations. The proceedings of the board and, prior to their approval, the recommendations of the board shall not be divulged by any member of the board or by the recorders except as authorized by CHNAVPERs or except as authorized in paragraph 9 of this enclosure.

11. Appointment. The appointment of each selected, physically qualified candidate will be in the grade indicated below:

a. CWO candidates will be appointed in the permanent grade of lieutenant (junior grade) O2E in the Regular Navy under 10 U.S.C. § 5589.

b. Enlisted candidates will be appointed in the temporary grade of ensign O1E in the Regular Navy under 10 U.S.C. § 5596.

c. Written declination of an appointment is final upon receipt by DEPCHNAVPERs.

12. Date of Rank. The DEPCHNAVPERs will assign a date and active-duty list number as prescribed by current directives. No service credit for prior warrant or commissioned service shall be awarded.

13. Waivers of Eligibility Requirements. The CHNAVPERs will consider requests for waiver of any eligibility requirement contained in paragraphs 3, 4, and 5 of this enclosure, except for those established by statute, in the following instances:

a. Applicant is a member of a definable class of individuals, which is rationally distinguishable, on grounds related to the needs of the Navy, from those persons for whom no

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exception is made by regulation or statute, and the waiver will not prejudice interests of similar individuals for whom no exception is made;

b. When gross inequity to the applicant would otherwise result; or

c. When, in CHNAVPERS' judgment, extraordinary circumstances cause such a waiver to be in the best interest of the naval service.

14. Waiver of Requirement for Board Action. The CHNAVPERS may waive the requirement for an in-service procurement selection board after considering the recommendations and supporting justifications of DEPCHNAVPERS, for eligible members who submit timely applications for an appointment under this instruction and where, through no fault or negligence of the member, the applicants' names were not submitted to the regularly scheduled board. All of the following conditions must be met:

a. Applicant is a member of a definable class of individuals rationally distinguishable on grounds related to the needs of the Navy from persons for whom no exception is made, and the waiver will not prejudice interests of similar individuals for whom no exception is made;

b. Requiring the applicant to wait until the next regularly scheduled board would result in a gross inequity to the applicant which could not be corrected without action by CHNAVPERS; and

c. When, in CHNAVPERS' judgment, such waiver is in the best interest of the naval service.

d. Members seeking a waiver of the requirement for a selection board shall submit a written application for waiver via their commanding officer to CHNAVPERS. The CHNAVPERS may approve such requests, which in his judgment merit approval, or he may deny requests, which do not in his judgment meet the criteria of the preceding paragraphs.

REGULATIONS TO GOVERN THE PERMANENT APPOINTMENT OF LIMITED DUTY  
OFFICERS (LDOs) UNDER 10 U.S. CODE § 5589 AND SECTION 5596

1. Permanent LDO Appointments. An LDO on the active-duty list of the Navy serving in a temporary grade under Title 10, U.S.C. § 5596 or a Chief Warrant Officer (CWO) selected for LDO on the active-duty list of the Navy is eligible for appointment in a permanent Regular grade as an LDO if all of the following criteria are met:

- a. Be a citizen of the United States;
- b. Has completed at least 10 years of active naval service, excluding Annual Training (AT) in a Reserve component;
- c. Is of good moral character and of unquestioned loyalty to the United States;
- d. Under the policy prescribed in SECNAVINST 5300.28C, no person who is drug or alcohol dependent, presently abuses drugs or alcohol or whose pre-service abuse of drugs or alcohol indicates a proclivity to continue abuse in the service, or has a record of any trafficking offenses shall be tendered a permanent appointment as an LDO;
- e. Is physically qualified for active service;
- f. Is serving on active-duty in the temporary grade of lieutenant as an LDO under Title 10 U.S.C. § 5596; and
- g. Has a permanent enlisted or CWO grade in the Regular Navy.

2. Appointment Provisions. LDOs who satisfy the eligibility requirements in paragraph 1 of this enclosure shall be tendered permanent LDO appointments in the grade of lieutenant (O3E) or in the case of a CWO selected for LDO (O2E) as follows:

- a. Those eligible individuals initially appointed as temporary LDOs under 10 U.S.C. § 5596 after September 15, 1981 and before October 1, 2004, who were serving on active-duty as CWOs at the time of that appointment, may be offered permanent

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appointment under 10 U.S.C. § 5589 subsequent to their temporary promotion to lieutenant under 10 U.S.C. § 5596. Officers who decline such appointment will be allowed to remain on active-duty as temporary LDOs with a permanent CWO grade.

b. Those eligible CWOs initially appointed as LDOs after September 30, 2004, who are serving on active-duty as CWOs at the time of that appointment, may be offered permanent appointment under 10 U.S.C. § 5589 to lieutenant junior grade. CWOs who decline such appointment will be allowed to remain on active-duty with a permanent CWO grade.

c. Those eligible individuals not covered by paragraphs 2a or b of this enclosure, initially appointed as temporary LDOs under 10 U.S.C. § 5596 after September 15, 1981, may be offered permanent appointment under 10 U.S.C. § 5589 subsequent to their promotion to lieutenant under 10 U.S.C. § 5596. The permanent appointment must either be accepted or declined within 120 days after the officer's lieutenant date of rank. Officers who decline such appointment shall be reverted to their permanent enlisted status prior to completing six months service as a temporary lieutenant.

3. Application Procedures for Officers Who Previously Declined Permanent Appointment. Temporary LDOs serving in a grade below lieutenant commander, qualified under paragraph 2 of this enclosure, who, in the past declined to accept permanent status when tendered, may apply for permanent appointment following application procedures established by the Deputy Chief of Naval Personnel (DEPCHNAVPERS).

4. Waiver of Requirement for Board Action. The Chief of Naval Personnel (CHNAVPERS) may waive the requirement for a transfer board after considering the recommendations and supporting justification of DEPCHNAVPERS for eligible members who submit timely applications for transfer under this instruction; where through no fault or negligence of the member, the applicant's name was not submitted to the regularly scheduled board; and where requiring the applicant to wait until the next regularly scheduled board would result in a gross inequity to the applicant. All of the following additional conditions must be met:

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a. Applicant is a member of a definable class of individuals, which is rationally distinguishable, on grounds related to the needs of the Navy, from those persons for whom no exception is made by regulations or statute, and the waiver will not prejudice interests of similar individuals for whom no exception is made;

b. When, in CHNAVPERS' judgment, such waiver is in the best interest of the naval service;

c. Members seeking a waiver of the requirement for a selection board shall submit a written application for waiver via their commanding officer to CHNAVPERS. The CHNAVPERS may approve such requests which in his judgment merit approval or he may deny requests which do not in his judgment meet the criteria of this paragraph.

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REGULATIONS TO GOVERN THE PROCUREMENT AND APPOINTMENT OF CHIEF  
WARRANT OFFICERS (CWOs) FOR ACTIVE-DUTY IN THE REGULAR NAVY  
UNDER 10 U.S. CODE § 571

1. Purpose. To establish regulations governing the procurement and appointment of CWOs for active-duty in the Regular Navy under 10 U.S.C. § 571.

2. Definitions. The following definitions, unless otherwise qualified, shall apply throughout this enclosure:

a. Chief Warrant Officer - Technical officer specialists who perform duties requiring commissioned officer authority and who are qualified by extensive experience and knowledge to direct the most difficult and exacting technical operations in a given occupational area.

b. In-Service Procurement Selection Board - A board of commissioned officers convened under the authority of 10 U.S.C. § 571 and this enclosure to recommend applicants for appointment as CWOs in the Regular Navy.

c. Active-Duty - Full time duty in the active naval service (including Marine Corps and Coast Guard when operating as a service in the Navy) other than Annual Training (AT).

3. Eligibility Requirements. To be eligible to apply for the Active-Duty CWO Program, and subsequent permanent appointment as a CWO in the Regular Navy, applicants must meet the following requirements:

a. Be a citizen of the United States.

b. Be serving on active-duty in the Regular Navy or Naval Reserve Training and Administration of Reserves (TAR) at the time of application and, if selected, remain on active-duty until the appointment is tendered.

c. Reserve canvasser recruiters, members on Active-Duty for Special Work/One-Year Recall (ADSW/OYR) (formerly TEMAC), and Reservists on Annual Training (AT) (formerly ACDUTRA) are not eligible to apply for the Active-Duty CWO Program but are eligible for the Inactive-Duty CWO Program.

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d. Be serving on active-duty as a E7, E8 or E9 including frocked E7, E8 or E9.

e. Have completed at least 12 but not more than 24 years of active-duty immediately preceding October 1 of the year application is made. For purposes of this paragraph, the term "active-duty" may include full-time duty in the active military service in the Army, Air Force, Marine Corps, or Coast Guard (when not operating as part of the Navy) in a critical skill needed by the Navy, as determined by the Deputy Chief of Naval Personnel (DEPCHNAVPERS) acting for the Chief of Naval Personnel (CHNAVPERS).

f. Personnel in paygrade E9 must have completed at least two years of active-duty as defined herein in paygrade E9 as of October 1 of the year in which the board convenes in order to be considered for appointment as a CWO3. Such service shall be computed from the time-in-rate date as a master chief petty officer.

g. TARs and Naval Reservists serving on active-duty who are selected for appointment as CWOs under this instruction shall be honorably discharged from their enlistment in the Naval Reserve and concurrently reenlisted in the Regular Navy before being appointed as CWOs.

h. Have no record of conviction by a general, special, or summary court-martial, no record of non-judicial punishment, nor conviction by a civilian court for any offense other than minor traffic violations for the three-year period immediately preceding October 1 of the year application is made.

i. Be a high school graduate or possess the service-accepted equivalent as prescribed by existing directives.

j. Meet the requisite physical standards for appointment as a CWO prescribed by the Manual of the Medical Department, Chapter 15. Selectees who fail to meet the minimum physical standards for appointment may be appointed upon the recommendation of the Chief, Bureau of Medicine and Surgery and waiver of the standard(s) by DEPCHNAVPERS acting for CHNAVPERS.

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k. Be of good moral character and of unquestioned loyalty to the United States.

l. Under the policy set out in SECNAVINST 5300.28, no person who is drug or alcohol dependent, who presently abuses drugs or alcohol, whose pre-service abuse of drugs or alcohol indicates a proclivity to continue abuse in the service, or who has a record of any trafficking offenses, shall be appointed as a CWO.

m. Be favorably recommended for appointment by the commanding officer.

4. Application. The DEPCHNAVPERs, acting for CHNAVPERs, will publish application procedures. Eligible candidates desiring a CWO commission must submit a written application following those procedures, requesting appointment as a CWO2 or CWO3, as appropriate.

a. Candidates eligible for both programs may be considered in the same Fiscal Year for both the Active-Duty CWO Program and the Active-Duty Limited Duty Officer (LDO) Program.

b. The designator(s) for which application is made shall be listed in the order of preference. A candidate may apply for appointment in not more than two designators for which qualified. Candidates requesting consideration for both programs may apply for only one designator under each program.

c. All applications must include a statement agreeing to further service, as follows:

For active-duty enlisted applying for appointment to CWO, the following statement shall be included as first paragraph in Applicant's Personal Statement:

"I, (NAME), if selected for appointment under the Active-Duty CWO Program, do agree to remain on active-duty for a period of four years subsequent to acceptance of such appointment."

5. Chief Warrant Officer Designators



<u>SURFACE</u>	<u>SUBMARINE</u>	<u>AVIATION</u>
	720X Diving Officer	
711X Boatswain	721X Boatswain	731X Boatswain
712X Operations		732X Operations
713X Engineering Technician	723X Engineering Technician	
714X Repair Technician		734X Maintenance Technician
715X Special Warfare Technician		
716X Ordnance Technician	726X Ordnance Technician	736X Ordnance Technician
717X Special Warfare Combatant-Craft Crewman		
718X Electronics Technician	728X Electronics Technician	738X Electronics Technician
719X Communications Technician		
<u>GENERAL SERIES</u>		<u>STAFF</u>
740X Nuclear Power Technician		751X Supply Warrant
741X Ship's Clerk		752X Food Service Warrant
742X Data Processing Technician		753X Civil Engineer Warrant
744X Cryptologic Technician		
745X Intelligence Technician		
748X Explosive Ordnance Disposal Technician		
749X Security Technician		

6. Boards to Recommend Applicants for Appointment as CWOs.

a. Appointment as a CWO shall be made only upon approval of a report submitted by a board of officers appointed by CHNAVPERS to recommend eligible personnel for such appointments unless the requirement for a board is specifically waived by CHNAVPERS under paragraph 13 of this enclosure.

b. In-service procurement selection boards shall be convened by precept addressed to the president of the board and signed by CHNAVPERS. The precept will include instructions governing the conduct of the board and will appoint the

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president and members of the board. The president of the board also will serve as a member of the board. The president of the in-service procurement selection board shall be an active-duty list captain. The board shall consist of Regular Navy officers serving in the grade of lieutenant or above in sufficient numbers and designators to allow the following requirements and procedures to be met: normally, at least one officer from each LDO designator corresponding to CWO designators for which there are applicants; and at least 50 percent of the membership of the board should be composed of unrestricted line officers with extensive and broad naval experience.

c. The president of the board may establish internal panels of board members for the purpose of considering applicants for specific designators or groups of designators. In cases where the board president establishes panels, each panel shall consist of not less than the board president, a member with expertise in the technical field being considered and sufficient officers from communities other than LDO to comprise a minimum of 50 percent of the panel membership. If the board, or a panel, is considering an applicant who is a Reservist, a Reserve officer shall be a member of the board and panel as appropriate. The CHNAVPERS may modify the membership of the board as may be necessary to provide sufficient active-duty list officers in the line and various staff corps as will enable the president of the board to establish internal panels.

d. Each member of the board shall swear, or affirm, that he or she will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him or her.

e. Each board may recommend for appointment as a CWO2 or CWO3, eligible personnel in numbers not in excess of the numbers furnished by CHNAVPERS. The board, however, is not obligated to select to the numbers provided.

f. Each board shall consider eligible candidates for appointment in the designator(s) that the candidates have requested. If a candidate requests consideration in more than one designator, the board may recommend the individual for appointment only in the designator for which best qualified.

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7. Board Reports. Each board will submit one or more written reports signed by all acting members and recorders. Each report shall certify that, in the opinion of at least a majority of the members acting in a given case, the candidates recommended therein are qualified for appointment as CWOs and are the best qualified for appointment in the designators for which recommended of all the candidates under consideration. Each report shall be submitted via DEPCHNAVPERs to CHNAVPERs for approval or disapproval, in whole or in part.

8. Disclosure of Board Proceedings and Recommendations. The proceedings of the board and, prior to their approval, the recommendations of the board shall not be divulged by any member of the board or by the recorders except as authorized by CHNAVPERs, or higher authority, or except as authorized in paragraph 7 of this enclosure.

9. Appointment. The appointment of each selected and physically qualified candidate will be in the permanent grade of CWO2 in the Regular Navy under 10 U.S.C. § 571, except that selectees serving in paygrade E9 who have completed two years time-in-rate, as prescribed in paragraph 3f, will be appointed in the permanent grade of CWO3 in the Regular Navy under Title 10 U.S.C. § 571.

10. Written declination of an appointment is final upon receipt by DEPCHNAVPERs.

11. Date of Rank. The DEPCHNAVPERs will assign a date of rank as prescribed by current directives. No service credit for prior warrant or commissioned service shall be awarded.

12. Waivers of Eligibility Requirements. The CHNAVPERs will consider requests for waiver of any eligibility requirement contained in paragraph 3 of this enclosure, except for those established by statute, in the following instances:

a. Applicant is a member of a definable class of individuals, which is rationally distinguishable on grounds related to the needs of the Navy from those persons for whom no exception is made by regulation or statute, and the waiver will not prejudice interests of similar individuals for whom no exception is made;

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b. When gross inequity to the applicant would otherwise result; or

c. When, in CHNAVPERS' judgment, extraordinary circumstances cause such a waiver to be in the best interest of the naval service.

13. Waiver of Requirement for Board Action. The CHNAVPERS may waive the requirement for an in-service procurement selection board after considering the recommendations and supporting justification of DEPCHNAVPERS for eligible members who submit timely applications for an appointment under this instruction and where, through no fault or negligence of the member, the applicant's name was not submitted to the regularly scheduled board. All of the following additional conditions must be met:

a. Applicant is a member of a definable class of individuals, which is rationally distinguishable on grounds related to the needs of the Navy from those persons for whom no exception is made by regulation or statute, and the waiver will not prejudice interests of similar individuals for whom no exception is made;

b. Requiring the applicant to wait until the next regularly scheduled board would result in a gross inequity to the applicant which could not be corrected without action by CHNAVPERS; and

c. When, in CHNAVPERS' judgment, such waiver is in the best interest of the naval service.

d. Members seeking a waiver of the requirement for a selection board shall submit a written application for waiver via their commanding officer to CHNAVPERS. The CHNAVPERS may approve such requests which in his judgment merit approval or he may deny requests which do not in his judgment meet the criteria of this paragraph.